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Mike Brown

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EXAMINER

WHIPPLE, BRIAN P

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/707,393	Applicant(s) BROWN, MIKE	
	Examiner BRIAN P. WHIPPLE	Art Unit 2452	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 June 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-14 are pending in this application and presented for examination.

Response to Arguments

2. Applicant's arguments, with respect to the drawing objections, have been fully considered and are persuasive. The drawing objections have been withdrawn.

3. Applicant's arguments, with respect to the 35 U.S.C. 112, first and second paragraph rejections of claims 5 and 13, have been fully considered, but are not persuasive. The Examiner fails to see how the deletion or division of a hardware component is described adequately in the specification or filed arguments to such an extent to explain the meaning of such actions on a hardware component.

4. Applicant's remaining arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to

which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 5 and 13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The division and removal of a component are not adequately described in the applicant's specification. The examiner could only locate [0023] of the specification as being related to the claims and [0023] fails to elaborate on the meaning of such actions on a component. Therefore, the claims cannot be said to be described well enough in the applicant's specification to show possession of the claimed invention.

7. Claims 5 and 13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The division and removal of a component are not adequately described in the applicant's specification. The examiner could only locate [0023] of the specification as being

related to the claims and [0023] fails to elaborate on the meaning of such actions on a component. Therefore, since the meaning of actions such as the dividing of a component that may be hardware (see [0017] of the applicant's specification) are unclear, the claimed subject matter cannot be enabled due to the vague and indefinite description of the subject matter in the applicant's specification.

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 5 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

10. As to claims 5 and 13, it is unclear how a component may be divided, especially in light of the component being either a software or hardware component as defined by the applicant's specification (see [0017]).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cogger et al. (Cogger), U.S. Patent No. 6,032,184, in view of Buffalo et al. (Buffalo), U.S. Patent No. 6,957,257 B1, and further in view of Jones et al. (Jones), U.S. Patent No. 6,219,648 B1.

13. As to claim 1, Cogger discloses a method for network management (Abstract) comprising:

tracking changes to a plurality of components in one or more networks through a network management engine (Col. 13, ln. 21-28, “automatic fault detection”);

modifying tracking information for tracking the plurality of components using said network management engine (Col. 13, ln. 21-28, “populates one or more of the ID type field, number field, product field, service field and trouble description field”);

detecting a failing component based at least in part on said tracking changes (Col. 13, ln. 21-28, “automatic fault detection”) and generating a problem ticket in response to the

detecting (Fig. 5, items 204 and 208; Col. 12, ln. 64-66), wherein the problem ticket comprises information related to the failing component (Col. 13, ln. 42-46 and 50-52);

determining an owning group of the failing component and routing the problem ticket to the owning group (Col. 15, ln. 66-67; Col. 16, ln. 7-9); and

tracking repair status information for repairing the failing component (Col. 16, ln. 43-60).

Cogger is silent on implementing tracking modifications made through said network management engine on the one or more networks; and

comparing the repair status information to a pre-established service level agreement specifying a level of service expected for repair of the failing component by the owning group.

However, Buffalo discloses implementing tracking modifications made through a network management engine on one or more networks (Col. 8, ln. 44-54).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Cogger by implementing tracking modifications made through a network management engine on one or more networks as taught by Buffalo in order to monitor a network for status reports that are due or close tickets for old events (Buffalo: Col. 8, ln. 44-54), thereby updating concerned network elements of events and freeing up storage related to old events.

Cogger and Buffalo are silent on comparing the repair status information to a pre-established service level agreement specifying a level of service expected for repair of the failing component by the owning group.

However, Jones discloses comparing repair status information to a pre-established service level agreement specifying a level of service expected for repair of a failing component by an owning group (Abstract, ln. 1-15).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Cogger and Buffalo by comparing repair status information to a pre-established service level agreement specifying a level of service expected for repair of a failing component by an owning group as taught by Jones in order to ensure a trouble ticket is not left unresolved for an excessive amount of time.

14. As to claim 2, the claim is rejected for reasons similar to claim 1 above.

Claiming that the actions can be automatic, manual, or a combination of both covers all possible scenarios. Clearly, the actions laid out in claim 1 must be either automatic, manual, or a combination of both in the prior art cited.

15. As to claim 3, the claim is rejected for reasons similar to claims 1-2 above.

Cogger, Buffalo, and Jones disclose using said network management engine to change one or more components of said plurality of components (Buffalo: Col. 4, ln. 19-27).

As discussed for claim 2 above, the actions of the prior art must be automatic, manual, or a combination of both.

16. As to claim 5, Cogger, Buffalo, and Jones disclose the invention substantially as in parent claim 3, wherein said changes to said plurality of components comprises at least one of adding, dividing, multiplying, recompiling, recoding and removal of a component (Col. 6, ln. 14-19, “determine if... the circuit impaired, for example by a cable cut, has been successfully restored”).

17. As to claim 4, Cogger, Buffalo, and Jones disclose the invention substantially as in parent claim 1, wherein one or more of said plurality of components is available to users on said one or more networks (Cogger: Abstract, “customer workstation”).

18. As to claims 6, 9, and 14, the claims are rejected for reasons similar to claim 1 above.

19. As to claim 7, Cogger, Buffalo, and Jones disclose the invention substantially as in parent claim 6, wherein generating network management information includes assigning

metrics to said changes (Cogger: Col. 13, ln. 21-28, “populates one or more of the ID type field, number field, product field, service field and trouble description field”; Buffalo: Col. 8, ln. 44-54; Jones: Abstract, ln. 1-15, “time duration”).

20. As to claims 8 and 10, the claims are rejected for reasons similar to claim 2 above.

21. As to claim 11, Cogger, Buffalo, and Jones disclose the invention substantially as in parent claim 9, wherein said network management engine is configured to provide access to multiple subprograms (Cogger: Fig. 3; Buffalo: Col. 1, ln. 45-54 and 61-67; Jones: Col. 3, ln. 11-13 and 20-21).

22. As to claim 12, the claim is rejected for reasons similar to claims 1-2 above.

23. As to claim 13, the claim is rejected for reasons similar to claim 5 above.

Conclusion

24. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN P. WHIPPLE whose telephone number is (571)270-1244. The examiner can normally be reached on Mon-Fri (10:30 AM to 7:00 PM EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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